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T-869 P07/13 U-506

Appl. No. 10/650,053  
Amdt. dated September 9, 2004  
Reply to Office action of June 10, 2004

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1 and 4-15 remain in the application. Claims 2 and 3 have been canceled. Claims 1 and 4-8 have been amended.

With reference to the claim objection appearing in the first paragraph on page 2 of the detailed action, the antecedent basis for the conductor track connection has been inserted in the specification. Support is found in the original claims 2 and 3, which detail the various parts (e.g., 14, 16, 18) of the conductor track connection. Further support is found in the drawing figures, when read in connection with the specification and the claims.

With reference to the claim rejection in the second paragraph on page 2, claim 1 is believed to be a proper "improvement-type claim" or, as commonly referred to, a Jepson claim. Such claims follow the general format:

In a [prior art device/method], the improvement which comprises: [novel features].

This is exactly the format used in claim 1. We have here an improved connecting terminal. The parts of the connecting terminal that are old appear in the preamble and the

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improvement follows the transitional phrase "the improvement which comprises." The improvement, as recited in the original claim 1 was that the conductor track connection is integrally formed in one piece with the connecting structure. These features were further expanded in the amended claim 1 where the structure and the cooperative function of the parts of the connecting structure is recited in more detail.

With regard to the rejection of claims 10 and 11, the connecting structure comprising the parts 14, 16, and 18 is indeed "flat." Reconsideration is requested.

The specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

We now turn to the art rejection, in which claims 1, 2, 9-13, and 15 have been rejected as being anticipated by Kölleman and claims 1 and 14 have been rejected as being anticipated by Woertz under 35 U.S.C. § 102.

Neither reference anticipates the invention defined in claim 1, as amended. Anticipation is established only when a single prior art reference discloses, expressly or under the

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principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 221 USPQ 385 (Fed. Cir. 1984). W.L. Gore and Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

In light of the fact that the subject matter of claim 2 and of claim 3 now appears in claim 1, the anticipation rejection is moot and we will, therefore, concentrate on the obviousness rejection under 35 U.S.C. § 103. The rejection of claims 3-8 was based on the combination of Köllman with Glaesel. We respectfully traverse on the basis of the amended claims.

Köllmann details a very clear separation - both structurally and functionally - between the mechanical attachment of the connector terminal on the rail (by way of the latching base 4 and the insulator stops 5) on the one hand, and the electrical contacting and energy conduction (by way of the contact clamps 6) as follows:

The insulator terminal case with its stops and latching bases accomplishes the fastening of the series terminal pursuant to the invention on the assembly rail in precise position, while the metal insert of the terminal, consisting of the ground conductor connection terminal units with their bus bar and the contact clamp with its spring bow, is responsible exclusively for the best possible electric contacting and power conduction . . . .

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Köllmann, col. 3, lines 14-23. In other words, the latching base 4 and the insulator stops 5 form a part of the plastic insulator case, and the contact clamps 6 are formed of metal.

The primary difference between Köllmann and the claimed invention, then, is that the latter defines a one piece integral construction of the base section, the latching section, and the locking section.

Before looking to the possibility of modifying the primary reference Köllmann to reach the claimed invention, it must be stated that the inventors herein recognized that contact clamps (e.g., the contact clamps 6 of Köllmann) themselves could be utilized as arresting elements and locking elements. Köllmann rather teaches away from this in that the contact clamps 6 in the region of contact to the assembly rail 2 formed with a bend in the direction of the assembly rail 2, such that the contact clamps never can be used as the latching and locking elements with the assembly rail 2. Köllmann furthermore teaches the above-noted strict separation of the mechanical fastening of the connecting terminal on the one hand and the electrical contacting and power conduction on the other hand. A person of skill in the pertinent art would be guided away from the invention by Köllmann because Köllmann

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teaches away from configuring the contact clamps 6 themselves as latching and locking sections.

The Examiner, in support of the obviousness of the combination, simply stated that Köllmann does not disclose locking sections, yet Glaesel discloses locking sections. The obviousness of the combination or the suggestion to combine - as stated by the Examiner - was provided by Glaesel in he taught facilitating attachment to various different rails. We respectfully take issue with the combination. As explained above, Köllmann teaches the very strict separation of the mechanical attachment and the electrical contacting. A person of skill in the art would very clearly be guided away from forming the contact clamps 6 similarly to the locking sections of Glaesel. Should, arguendo, one of skill in the art be somehow guided to combine the teachings of the two references, that is, to form the contact clamps 6 of Köllmann like the locking sections of Glaesel, then there would still exist considerable differences to the claimed invention, namely:

- the insulator stops 5 would not be formed integrally with the contact clamps 6;
- the insulator latching base 4 would have to be omitted;  
and
- the spring bow 9 would have to be removed.

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The person of ordinary skill in the art, in other words, would have to act contrary to the basic teaching of Köllmann and he would have to form the three elements as one integral part and all of these would likely become electrical conductors so that the teaching of Köllmann which requires the separation of the two functions, and therefore also the structural separation, would have to be violated. This alone defeats the obviousness of the combination.

The person of skill in the art would further have to recognize that the insulator latching base 4, on the one hand, and the spring bow 9, on the other hand, would be superfluous and they would have to be removed. This would, therefore, require yet another step and it would be required since the separation between the mounting attachment and the electrical contacting is required by the primary teaching. In other words, the claimed invention cannot be obviously reached when starting out from the primary reference Köllmann and modifying the same with Glaesel.

In summary, none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately

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dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 4-15 are solicited.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicant

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